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REMARKS

The Examiner has provisionally rejected Claims 1-78 under 35 U.S.C. 101 as claiming the same invention as that of Claim 38 of co-pending Application No. 09/931,803, and has stated Claim 38 of Application No. 09/931,803 meets all of the limitations of the claims in the present application except for Claims 7, 16, 24, 30, 37, 43, 59, and 63 which are met by Claim 37 of Application No. 09/931,803. In view of the Examiner's statement that a terminal disclaimer is necessary to overcome the double patenting rejection, applicant has included herewith such terminal disclaimer.

The Examiner has revised the current rejection in light of new prior art and a reformulated rejection. As set forth below, such new rejection is still deficient. However, despite such deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of at least one dependent claim into independent Claims 1, 10, 20, 26, 33 and 39.

The Examiner has rejected Claims 1, 4, 9-10, 13, 18 and 73 under 35 U.S.C. 103(a) as being unpatentable over Steinberg (U.S. Patent No. 6,587,949) in view of Matsushita (European Patent Application No. 00309498.4). The Examiner has further rejected Claims 2-3, 5-7, 11-12, 14-16, 19-24, 26-30, 32-34, 36-37, 39-40, 42-43, 45-46, 50-51, 55-57, 59, 61, 63, 65-66, 69, 72 and 74-77 under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Matsushita in further view of Friedman (U.S. Patent No. 5,499,294). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to the independent claims..

With respect to all of the independent claims, the Examiner has relied on Col. 4, lines 4-11 in Steinberg to make a prior art showing of applicant's claimed "removable storage medium storing at least one of the encryption cryptographic key and the decryption cryptographic key, where the removable storage medium is removable with respect to the transportable storage medium" (see this or similar, but not identical language in each of the independent claims).

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However, after careful review of such excerpt, it is clear that Steinberg only teaches a device (PCMCIA card) that merely stores readable files. There is simply no disclosure in Steinberg of a device storing either an encryption cryptographic key or a decryption cryptographic key, in the manner claimed by applicant. Furthermore, such device in Steinberg is only removable with respect to a PCMCIA card slot of a digital camera (see Col. 3, lines 43-45), and is not removable with respect a transportable storage medium, as claimed by applicant.

With respect to independent Claims 46, 51, 57, 61, 66 and 69, the Examiner has relied on Col. 7, lines 4-20 in Steinberg, Col. 4, line 63-Col. 5, line 14 and Col. 5, lines 49-65 in Friedman to make a prior art showing of applicant's claimed "generating a fixed-length original cryptographic hash from at least one such individual frame" (see this or similar, but not identical language in each of the foregoing claims).

Applicant respectfully asserts that neither the Steinberg reference nor the Friedman reference meet applicant's specific claim language. In particular, the excerpt in Steinberg relied on by the Examiner simply discloses encrypting authentication data, but not that such authentication data is any sort of cryptographic hash from a frame. Additionally, the excerpts from Friedman specifically teach that only the added information is hashed and then encrypted with the image (see specifically Col. 4, lines 63-65). Such added information is simply a public key that is a unique serial number associated with information related to the image (see specifically Col. 4, lines 56-63), and therefore the frame itself is not being hashed, in the manner claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the

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claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above.

Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of Claim 2 et al. into independent claims 1, 10, 20, 26, 33 and 39. Applicant respectfully asserts that the "original cryptographic hash from at least one such individual frame" of Claim 2 et al. is not met by the prior art for the reasons argued with respect to independent Claims 46, 51, 57, 61, 66 and 69 above.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

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Commissioner is authorized to charge any additional fees or credit any overpayment to
Deposit Account No. 50-1351 (Order No. NAIIP374/01.101.01).

Respectfully submitted,

Zilka-Kotab, PC.

Kevin J. Zilka

Registration No. 41,429

P.O. Box 721120

San Jose, CA 95172-1120

408-505-5100